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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,396	11/28/2001	Juha Hujanen	ASMMC.020AUS	2351
20995	7590	08/27/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			VU, DAVID	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2818	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,396	HUJANEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID VU	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 33-45 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32, 46-50, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 01/23/04. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-32, 46-50 and 52-53 are rejected under 35 U. S. C. 102(e) as being anticipated by Gates et al. (US 6,203,613, herein after Gates).

Regarding claims 1-6, 9 and 11, Gates discloses in Example 8 (Col. 11, lines 24-65) a method of fabricating a magnetic memory cell, comprising: providing a substrate on which the magnetic memory cell is formed; depositing a first ferromagnetic layer (Mn, Fe); depositing a dielectric layer ( $\text{Al}_2\text{O}_3$ ) over the first ferromagnetic layer; and depositing a second ferromagnetic layer (Co) over the dielectric layer, wherein (Mn, Fe/  $\text{Al}_2\text{O}_3$  / Co) layers is formed by atomic layer deposition (ALD). ALD is often described as a self-limiting process, in that a finite number of sites exist on a substrate to which the first species may form chemical bonds. The second species might only bond to the first species and thus may also be self-limiting. Once all of the finite number of sites on a substrate are bonded with a first species, the first species will often

not bond to other of the first species already bonded with the substrate. {See **Sneh (US 6,617,173)** (Col. 4; Lines 21-29) for evidence of the state of the art in which ALD process comprising alternating, self-saturating surface reactions.}

Regarding claim 7, Gates discloses that depositing the first ferromagnetic layer by ALD comprises depositing a metal oxide by ALD and subsequently reducing the metal oxide to elemental metal (col. 11, lines 30-45 and col. 4, lines 40-51).

Regarding claim 8, Gates discloses that “A yet further object of the present invention is to provide an ALD process using a metal nitrate-containing precursor to form a complex multilayer structure which contains alternating films of metal oxides, metal nitrides and metals in any combination” (col. 3, lines 63-67) and “ The present invention describes the use of metal nitrate-containing precursors,  $M(NO_3)_x$  to form metal-containing films by any ALD method. The term "metal-containing films" includes metal oxides, metal nitrides, elemental metal or any combination or mixtures thereof including multilayers and multicomponent. The precursors of the present invention are used with a co-reactant gas such as an oxidizing agent, a reducing agent or a nitriding agent in forming metal-containing films by ALD. In the above formula, M is a metal selected from the group consisting of Ti, Ga, Zr, Sn, Co, V, Cr, Hf, Cu, Mn, La, Y, Al, Gd, Nd, Sm, Si, Nb, Ta and In; and x is the valence state of M” (col. 4, lines 40-51). Therefore, the limitation “wherein the elemental metal comprises cobalt” (as recited in claim 8) is inherent in the product of the prior art (Gates et al.).

Regarding claim 10, Gates discloses that depositing the second ferromagnetic layer comprises depositing a metal oxide by ALD and subsequently reducing the metal oxide to elemental metal (col. 11, lines 55-65 and col. 4, lines 40-51).

Regarding claim 12, Gates discloses that the first ferromagnetic layer (10nm MnFe) (col. 11, lines 44-45) has a lower magnetic permeability than the second ferromagnetic layer (100nm Co) (Col. 11, lines 64-65).

Regarding claim 13, Gates discloses that the first ferromagnetic layer (10nm MnFe) (col. 11, lines 44-45) is thinner than the second ferromagnetic layer (100nm Co) (Col. 11, lines 64-65).

Regarding claim 14, Gates discloses a method of fabricating a magnetic memory cell, comprising: providing a substrate on which the magnetic memory cell is formed (col. 11, lines 24-29); depositing a first magnetic layer (Mn, Fe) on the substrate; forming a dielectric layer ( $\text{Al}_2\text{O}_3$ ) over the first magnetic layer; depositing a magnetic metal oxide layer  $\{\text{Co}(\text{NO}_3)_x\}$  over the dielectric layer by atomic layer deposition (ALD); and reducing the magnetic metal oxide layer to a magnetic elemental metal layer (col. 11, lines 55-65 and col. 4, lines 40-51).

Regarding claims 15-19, Gates discloses a method of fabricating a magnetic memory cell, comprising: providing a substrate on which the magnetic memory cell is formed (col. 11, lines 24-29). Gates also discloses that "A yet further object of the present invention is to provide an ALD process using a metal nitrate-containing precursor to form a complex multilayer structure which contains alternating films of metal oxides, metal nitrides and metals in any combination" (col. 3, lines 63-67) and "The present invention describes the use of metal nitrate-containing precursors,  $\text{M}(\text{NO}_3)_x$  to form metal-containing films by any ALD method. The term "metal-containing films" includes metal oxides, metal nitrides, elemental metal or any combination or mixtures thereof including multilayers and multicomponent. The precursors of the present invention are used with a co-reactant gas such as an oxidizing agent, a reducing agent or a

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nitriding agent in forming metal-containing films by ALD. In the above formula, M is a metal selected from the group consisting of Ti, Ga, Zr, Sn, Co, V, Cr, Hf, Cu, Mn, La, Y, Al, Gd, Nd, Sm, Si, Nb, Ta and In; and x is the valence state of M" (col. 4, lines 40-51). Therefore, the limitation "forming a first magnetic layer on the substrate; depositing a first non-magnetic metal oxide layer over the first magnetic layer; converting the first non-magnetic metal oxide layer to a first non-magnetic metal layer; depositing an insulating layer on the first non-magnetic metal layer; depositing a second non-magnetic metal oxide layer by atomic layer deposition (ALD); converting the second non-magnetic metal oxide layer to a second non-magnetic metal layer; and depositing a second magnetic layer on the second non-magnetic metal layer" (as recited in claim 15) is inherent in the product and process of the prior art (Gates et al.).

Regarding claims 20-25, 27, 28 and 30, Gates discloses a method of fabricating a magnetic structure, comprising: depositing a plurality of metal oxide layers on a substrate by atomic layer deposition (ALD); and converting at least one of the metal oxide layers to elemental metal layers, wherein at least one of the metal oxide layers is magnetic {See Example 8 (Col. 11, lines 24-65)}.

Regarding claims 26, 29 and 31-32, Gates discloses that "A yet further object of the present invention is to provide an ALD process using a metal nitrate-containing precursor to form a complex multilayer structure which contains alternating films of metal oxides, metal nitrides and metals in any combination" (col. 3, lines 63-67) and "The present invention describes the use of metal nitrate-containing precursors,  $M(NO_3)_x$  to form metal-containing films by any ALD method. The term "metal-containing films" includes metal oxides, metal nitrides, elemental metal or any combination or mixtures thereof including multilayers and

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multicomponent. The precursors of the present invention are used with a co-reactant gas such as an oxidizing agent, a reducing agent or a nitriding agent in forming metal-containing films by ALD. In the above formula, M is a metal selected from the group consisting of Ti, Ga, Zr, Sn, Co, V, Cr, Hf, Cu, Mn, La, Y, Al, Gd, Nd, Sm, Si, Nb, Ta and In; and x is the valence state of M" (col. 4, lines 40-51). Therefore, the limitations "wherein depositing the plurality of metal oxide layers comprises, in order: depositing a first magnetic metal oxide layer, depositing a first non-magnetic metal oxide layer, depositing an insulating layer, depositing a second non magnetic metal oxide layer, and depositing a second magnetic metal oxide layer " (as recited in claim 26); "wherein at least one of the metal oxide layers comprises a ferromagnetic oxide selected from the group consisting of magnetite ( $\text{Fe}_3\text{O}_4$ ),  $\text{CrO}_2$ , manganite perovskites doped with alkaline earth metals and metal oxide superlattices" (as recited in claim 29); "wherein the magnetic nanolaminate comprises at least one non-magnetic metal" (as recited in claim 31) and "wherein the non-magnetic metal is copper" (as recited in claim 32) are inherent in the product and process of the prior art (Gates et al.).

Regarding claims 46-50, Gates discloses a method of fabricating a magnetic memory cell, comprising: providing a substrate on which the magnetic memory cell is formed (col. 11, lines 24-29). Gates also discloses that "A yet further object of the present invention is to provide an ALD process using a metal nitrate-containing precursor to form a complex multilayer structure which contains alternating films of metal oxides, metal nitrides and metals in any combination" (col. 3, lines 63-67) and " The present invention describes the use of metal nitrate-containing precursors,  $\text{M}(\text{NO}_3)_x$  to form metal-containing films by any ALD method. The term "metal-containing films" includes metal oxides, metal nitrides, elemental metal or any combination or

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mixtures thereof including multilayers and multicomponent. The precursors of the present invention are used with a co-reactant gas such as an oxidizing agent, a reducing agent or a nitriding agent in forming metal-containing films by ALD. In the above formula, M is a metal selected from the group consisting of Ti, Ga, Zr, Sn, Co, V, Cr, Hf, Cu, Mn, La, Y, Al, Gd, Nd, Sm, Si, Nb, Ta and In; and x is the valence state of M" (col. 4, lines 40-51). Therefore, the limitations "depositing a first ferromagnetic layer by ALD, depositing a conductive layer over the first ferromagnetic layer, and depositing a second ferromagnetic layer over the conductive layer " (as recited in claim 46); "wherein the conductive layer is deposited by atomic layer deposition" (as recited in claim 47); "wherein the second ferromagnetic layer is deposited by atomic layer deposition" (as recited in claim 48); "wherein the first ferromagnetic layer comprises NiFe and the second ferromagnetic layer comprises Co" (as recited in claim 49) and "wherein the conductive layer comprises Cu" (as recited in claim 50) are inherent in the product and process of the prior art (Gates et al.).

Regarding claims 52-53, Gates discloses a method of fabricating a magnetic memory cell, comprising: providing a substrate on which the magnetic memory cell is formed (col. 11, lines 24-29); depositing a first ferromagnetic layer (Mn, Fe) on the substrate; forming a dielectric layer ( $\text{Al}_2\text{O}_3$ ) over the first magnetic layer; depositing a second ferromagnetic metal oxide layer  $\{\text{Co}(\text{NO}_3)_x\}$  over the dielectric layer by atomic layer deposition (ALD); and reducing the magnetic metal oxide layer to a magnetic elemental metal layer (Co) (col. 11, lines 55-65 and col. 4, lines 40-51).



## Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1798. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu

August 23, 2004.